

Remarks

Reconsideration and continued examination of the present application is respectfully requested in view of the remarks that follow, which are believed to fully address the rejections raised in the outstanding Office Action.

After entry of the amendment, claims 1-16, 18-27, 29, 30, and 32 remain pending in the application.

For ease of reference, the paragraphs that now follow are numbered to correspond to the paragraph numbering used by the Examiner in the outstanding Office Action.

2. In response to the restriction requirement between the article and method claims, Applicants hereby cancel without prejudice the withdrawn claims 59-65.

3, 6. Claims 1, 4-10, 12-16, 21-27, and 29-30 were rejected as anticipated by or obvious over U.S. Patent 4,865,898 (Fukuda et al.) for reasons set forth in a prior Office Action. In response to such rejection, Applicants had previously argued that

even assuming that the exact same materials are disclosed by Fukuda et al., Applicants wish to point out from extensive film-making experience that the optical properties of a pigmented film can be very sensitive to the details of manufacture, particularly the manner in which the particulate pigment is introduced into the polymer. Specifically, Applicants have found that—even with an appropriate amount of suitably sized particulate pigment—mixing or milling the particulate pigment into an already polymerized polyester (as is done in the examples of Fukuda et al., see the bottom of column 9) produces films that are much more hazy than films in which the particulate pigment is carefully added (e.g. in a well dispersed pigment slurry, to minimize agglomeration of the particles) to the reaction mass *before* polymerization. (See e.g. page 3 lines 4-14 and page 14 line 27 to page 17 line 22 of the present specification.) Great care is required to achieve the claimed low haze values.

The Examiner dismissed this argument as unpersuasive in view of the absence by Applicants of any declaration or experimental data in support of their position that the product of Fukuda et al. would not meet the claimed haze values.

Applicants now supplement their previous argument with an accompanying Rule 132 Affidavit of Daniel J. McGurran. Mr. McGurran's affidavit describes an experiment in which two pigmented film samples—a "First Film" and a "Second Film"—were made. The First Film was made by a process in which carbon black particles were kneaded into an already polymerized

polyester, while the Second Film was made by kneading the carbon black particles into a reaction mass before polymerization. The composition, thickness, and carbon black loading of both films was essentially the same, yet the internal haze of the First Film, 14.7%, was more than double the internal haze of the Second Film, 6.2%. Inspection of the film samples (attached as exhibits to the Affidavit) confirms the high amount of haze of the First Film compared to the Second Film; distant objects can be easily viewed through the Second Film, but not through the First Film. Applicants respectfully submit that this additional information supports their position that Fukuda et al. neither anticipates nor renders obvious claim 1 and its dependent claims, which call for *inter alia* an internal haze of less than or equal to about five percent. Withdrawal of the rejection is requested.

4, 7. Claims 1-6, 9-16, 18-27, and 29-30 were rejected as anticipated by or obvious over U.S. Patent 6,049,419 (Wheatley et al.) for reasons set forth in a prior Office Action. Applicants had previously argued that the discussion in Wheatley et al. regarding the use of dyes or pigments is of a fairly general nature, and even if the particle size and concentration of the pigment were appropriate, the haze of the resulting article can be unacceptably high depending upon the method of incorporating the pigment. The Examiner dismissed this argument as unpersuasive in the absence of experimental data showing otherwise.

Applicants submit that the accompanying McGurran Affidavit provides the requested experimental data, demonstrating why Wheatley et al. do not inherently teach or suggest the transmission or haze limitations found in claim 1. The rejection of claim 1 and its dependent claims 2-6, 9-16, 18-27, and 29-30 should be withdrawn.

Conclusion

In view of the foregoing, it is submitted that the application is in condition for allowance, the early indication of which is earnestly solicited.

Beyond the fee associated with the extension of time and with the RCE, no additional fee is believed to be due by submission of this paper. If this belief is in error, please charge any required fee to Deposit Account No. 13-3723.

Respectfully submitted,

27 August 2003
August 27, 2003

By: Stephen C. Jensen
Stephen C. Jensen, Reg. No.: 35,207
Telephone No.: (651) 736-3369

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833